

DIMITRI KRAVCHUCK, )  
)  
Plaintiff, )  
)  
v. ) No. 2:16-cv-02050-TLP-cgc  
)  
) JURY DEMAND  
)  
KRISPY KREME DOUGHNUT )  
CORPORATION, )  
)  
Defendant. )

Before the Court is Plaintiff's Motion to Remand to the Circuit Court of Shelby County, Tennessee, under 28 U.S.C. § 1447(c). (ECF No. 142.) The Defendant does not object to this Motion. The Motion to Remand is GRANTED because the Court lacks subject-matter jurisdiction. The case is therefore REMANDED to the Circuit Court of Shelby County, Tennessee, pursuant to 28 U.S.C. § 1447(c).

Plaintiff originally filed this personal injury case in the Circuit Court of Shelby County, but the matter was ultimately removed to federal court on January 22, 2016. (ECF No. 1.) The Court possessed subject-matter jurisdiction under 28 U.S.C. §§ 1332, 1441. (ECF No. 1 at PageID 1.) The Plaintiff was later allowed to amend his complaint and join Defendant Invest-N-Transport, Inc. (“INT”). (ECF Nos. 133, 134.) INT is a California corporation. (ECF No. 142 at PageID 861.) Plaintiff is also domiciled in California. (*Id.*)

Twenty-eight U.S.C. § 1447(e) requires the Court to either deny joinder or permit joinder and remand the matter to state court if joinder would destroy subject matter jurisdiction. The Court previously held diversity jurisdiction under 28 U.S.C. § 1332, which requires complete diversity of citizenship between each plaintiff and each defendant. *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996). The Court determines diversity of citizenship at the time the amended complaint is filed. *Curry v. U.S. Bulk Transport, Inc.*, 462 F.3d 536, 540 (6th Cir. 2006). INT is a California corporation that shares citizenship with Plaintiff. Because INT's joinder prevents there from being complete diversity among the plaintiffs and defendants, subject-matter jurisdiction is destroyed. The Court is required to remand the case to state court under 28 U.S.C. § 1447(c), (e). *Id.* at 541.

### **CONCLUSION**

Plaintiff's Motion to Remand is GRANTED based on lack of subject-matter jurisdiction. The case is therefore REMANDED to the Circuit Court of Shelby County, Tennessee, pursuant to 28 U.S.C. § 1447(c). The parties will bear their own costs and attorney's fees.

**SO ORDERED**, this 11th day of October, 2018.

s/Thomas L. Parker  
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THOMAS L. PARKER  
UNITED STATES DISTRICT JUDGE